

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 402 OF 2005

M/S BHAGYANAGAR METALS LTD., REP. BY Petitioner
ITS GENERAL MANAGER (COMMERCIAL)
MR. SACHIN BORA, PILERNE-GOA

Versus

UNION OF INDIA, REP. BY ITS Respondents
SECRETARY AND 3 ORS.,

Shri A. D. Bhobe, Advocate for the petitioner.

Shri J. S. Vaz, Central Government Standing Counsel for the respondents.

Coram:- R.M.S. KHANDEPARKAR &
N. A. BRITTO, JJ.

Date:- 24th January, 2006

P.C.

Heard. It is not necessary to go into the various contentions sought to be raised in the matter at this stage. Undisputedly, the matter is pending before the Tribunal pursuant to the remand order by the Apex Court. All the issues which arise for consideration are required to be considered by the Tribunal in terms of the said remand order. At this stage, in view of the order of the Apex Court, the petitioner would be entitled for refund of the amount over and above the rate of 5 % in terms of the Notification dated 1/3/02 as has been stated in para 4 of the reply filed by the respondents on 23.1.06.

The learned Advocate for the petitioner has submitted that the petitioner is entitled for interest on the amount of refund. It is not necessary to go into even the said issue at this stage. While leaving the said issue also open along with other issues sought to be raised in the matter, the respondents shall refund to the petitioner the sum of

Rs.1,34,64,709/- (Rupees one crore, thirty four lakhs, sixty four thousand, seven hundred nine only) within a period of eight weeks. With this direction, the petition is disposed of.

R.M.S. KHANDEPARKAR, J.

N. A. BRITTO, J.

ssm.